

#4

Attorney's Docket No.: 002950.P015

PATENT

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND PROCESS FOR ACCUMULATING AND SUMMARIZING DATA FOR DEFINED TIME INTERVALS WITHIN A CUSTOMER INTERACTION SYSTEM

the specification of which

X is attached hereto.
was filed on August 23, 1999 as
United States Application Number 09/379,385
or PCT International Application Number _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

_____	_____
Application Number	Filing Date
_____	_____
Application Number	Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status -- patented, pending, abandoned
Application Number	Filing Date	Status -- patented, pending, abandoned

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to André L. Marais, **BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025** and direct telephone calls to André L. Marais, (408) 720-8598.
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Signature David L. Burns Date Nov. 9 1999

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Full Name of Fourth/Joint Inventor _____

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
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Post Office Address _____

Full Name of Fifth/Joint Inventor _____

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Sixth/Joint Inventor _____

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Seventh/Joint Inventor _____

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

APPENDIX A

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Richard Ney, et al.

Serial No.: 09/379,385

Filing Date: August 23, 1999

For: METHOD AND PROCESS FOR
ACCUMULATING AND
SUMMARIZING DATA FOR
DEFINED TIME INTERVALS WITHIN
A CUSTOMER INTERACTION SYSTEM



Examiner: Not yet assigned

Art Unit: 2761

Assistant Commissioner for Patents
Washington, D.C. 20231

LETTER REGARDING LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

The undersigned has been granted limited recognition under 37 CFR § 10.9(b) to prosecute patent applications in which the applicants are clients of the Blakely, Sokoloff, Taylor & Zafman LLP law firm, and wherein a registered practitioner who is a member of the Blakely, Sokoloff, Taylor & Zafman LLP law firm is the attorney or agent of record. In this regard, please see the attached copy of the original document in which this limited recognition is granted. In particular, please note that:

- (a) The undersigned is an employee of the Blakely, Sokoloff, Taylor & Zafman LLP law firm;
- (b) The above applicant is a client of the Blakely, Sokoloff, Taylor & Zafman LLP law firm;
- (c) A registered practitioner who is a member of the Blakely, Sokoloff, Taylor & Zafman LLP law firm is an attorney or agent of record in the above application;
- (d) The undersigned continues to lawfully reside in the United States on a H-1B visa; and

- (e) The undersigned has been appointed as an associate attorney in the above application.

Accordingly, the undersigned meets all requirements for limited recognition under § 10.9(b), and is thus permitted to prosecute the above patent application.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP



Date: 11/18/1999

André L. Marais

Under 37 CFR § 10.9(b)

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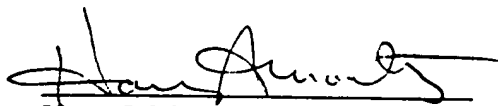
**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Andre L. Marais is hereby given an extension to a grant of limited recognition under 37 CFR § 10.9(b), as an employee of the Blakely, Sokoloff, Taylor & Zafman law firm, to prepare and prosecute patent applications and to represent patent applicants wherein the patent applicants are clients of the Blakely, Sokoloff, Taylor & Zafman law firm, and wherein a registered practitioner who is a member of the Blakely, Sokoloff, Taylor & Zafman law firm, is the attorney of record. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Andre L. Marais ceases to lawfully reside in the United States, (ii) Andre L. Marais' employment with the Blakely, Sokoloff, Taylor & Zafman law firm ceases or is terminated, or (iii) Andre L. Marais ceases to remain or reside in the United States on an H1B1 visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: October 21, 2000


Harry I. Moatz, Acting Director
Office of Enrollment and Discipline